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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,321	01/09/2001	Nicholas John Davies	36-1403	9348
23117	7590	05/19/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			DENNISON, JERRY B	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/743,321	DAVIES ET AL.	
	Examiner	Art Unit	
	J. Bret Dennison	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This Action is in response to Amendment (RCE) of Application Number 09/743321 received on 21 January 2005.
2. Claims 2-16 are presented for examination.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Collins (U.S. 5,963,951).

3. Regarding claims 2, 8, 9, and 11, Collins discloses an apparatus and method for accessing sets of information stored in an information system by a plurality of users and accessible by means of a communications network, the apparatus comprising:  
an input for receiving a set of information selected by a first user (Collins, col. 5, lines 10-11);

data storage for storing a plurality of user profiles, each of said plurality of user profiles associated with one of a plurality of users, and each of said plurality of user profiles comprising at least one predetermined keyword (Collins, col. 4, lines 50-52, col. 5, lines 10-15);

a meta-data generator arranged to automatically generate at least one set of meta-information from the set of information selected by the first user received at the input, said at least one set of generated meta-information being stored in accessible data storage (Collins, col. 5, lines 23-27);

a comparator for comparing at least one of said one of said plurality of user profiles with said at least one set of generated meta-information and for identifying, in dependence upon the results of said comparison, a second user having a profile similar to said at least one set of generated meta-information (Collins, col. 6, lines 15-25); and

a processor arranged to automatically address an alert message to said first user comprising the identity of said second user identified by said comparator (Collins, col. 6, lines 59-67).

4. Regarding claims 3 and 10, Collins disclosed the limitations, substantially as claimed, as described in claims 2 and 9, including wherein said comparator is operable to compare a user profile associated with said first user with at least one further user profile of said plurality of user profiles and thereby to identify a user having a similar user profile to that of said first user (Collins, col. 6, lines 15-25, 59-67).

5. Regarding claims 5 and 13, Collins teaches the limitations, substantially as claimed, as described in claims 2 and 9, including wherein, in use, said stored sets of information conform to a first predetermined format and wherein said apparatus includes conversion means to enable a set of information received at the input in a format other than said first predetermined format to be converted into said first predetermined format and stored in said data storage (Collins, col. 5, lines 1-10, Fig. 3, Collins disclosed that after information is input by the user, it is converted into the proper format to be stored in the database).

6. Regarding claims 6, 7 and 15, Collins disclosed the limitations, substantially as claimed, as described in claims 2 and 9, including a processor arranged to monitor the plurality of user profiles to detect a change to the user profile of said first user and to trigger said comparison means to compare the changed user profile with other user profiles stored in said data storage and thereby to identify a user having a similar user profile to the changed profile of said first user (Collins, col. 4, lines 60-65, col. 5, lines 10-15, Collins disclosed that a user can either use their stored profile to compare profiles or also use new search criteria along with the profile meaning that they could update their profile and a new search is performed based on the new profile).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Brookes (U.S. 5,963,951).

7. Regarding claims 4 and 12, Collins disclosed the limitations, substantially as claimed, as described in claims 2 and 9, including for each similar user profile found, providing their contact information such as username and phone number (Collins, col. 8, lines 40-46).

However, Collins did not explicitly state enabling said first user to select one or more of said plurality of users and to generate an alert message for sending to said one or more selected users.

In an analogous art, Brookes teaches users being able to create a comment and send to users, which are then alerted of the presence of a message (Brookes, col. 9, lines 4-15).

Therefore it would have been obvious for one in the ordinary skill in the art at the time the invention was made to incorporate users being able to send an alert message to other users with similar interests as another form of contacting their matches to provide another way for people to communicate through on-line dating services (Collins, col. 2, lines 20-25).

8. Regarding claim 16, Collins disclosed the limitations, substantially as claimed, as described in claim 9. Collins did not explicitly state wherein when said meta-data

generator generates a set of meta-information on activation by said first user, said comparator is automatically activated to compare said at least one set of meta-information with user profiles associated with each of said plurality of users, and in dependence upon the result of said comparison, to automatically address an alert message to each of said plurality of users.

In an analogous art, Brookes disclosed a system that compares information with user profiles and alerts each relevant user (Brookes, col. 7, lines 45-55). Therefore it would have been obvious for one in the ordinary skill in the art at the time the invention was made to incorporate alerting all users of interest about an updated profile to notify users of the on-line dating service of any matches found with users of similar interests (Collins, col. 2, lines 20-25).

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure

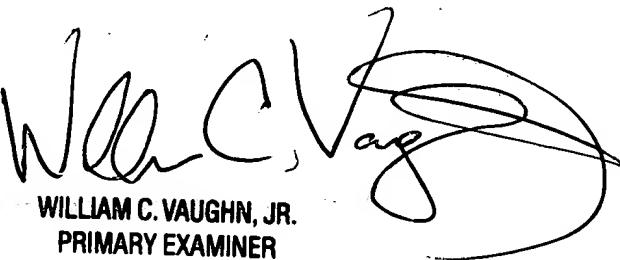
relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
J. B. D.  
Patent Examiner  
Art Unit 2143

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER